THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:11-cv-502-RJC

GREGORY LYNN GORDON,)	
Plaintiff,)	
vs.)	<u>ORDER</u>
BRIAN CLAYTON HUNCKE, et al.,)	
Defendants.)	
)	

THIS MATTER comes before the Court on initial review of Plaintiff's pro se Complaint pursuant to 42 U.S.C. § 1983, originally filed on September 23, 2011 in the District of South Carolina. (Doc. No. 1). By Order dated October 6, 2011, (Doc. No. 17), Plaintiff's Complaint was transferred to this Court and docketed on October 11, 2011, (Doc. No. 20).

This is Plaintiff's second civil rights complaint to come before the Court concerning events that allegedly occurred on July 26, 2010. The first was transferred to this Court on May 24, 2011, from the United States District Court for the Eastern District of North Carolina. (Case No. 3:11-cv-257, Doc. No. 6). Both complaints allege that on July 26, 2010, the defendants violated Plaintiff's constitutional rights by transporting him without a warrant from the Union County Jail to South Carolina. (Id., Doc. No. 1). Plaintiff alleges that the defendants gave him green tea to drink during the trip, which triggered a diabetic reaction and somehow caused a car accident. (Id. at 4).

On September 28, 2011, the Court dismissed Plaintiff's Complaint, (<u>Id.</u>, Doc. Nos. 1; 15), for failure to state a claim upon which relief could be granted. (<u>Id.</u>, Doc. No. 22). Plaintiff's appeal of the Court's judgment is pending before the Fourth Circuit Court of Appeals. (Id., Doc.

No. 24). Pending the outcome of Plaintiff's appeal in Case Number 3:11-cv-257, this case is STAYED. No further motions will be considered until Plaintiff's appeal has been resolved.

IT IS, THEREFORE, ORDERED that Plaintiff's Case Number 3:11-cv-502 is STAYED pending the resolution of Plaintiff's appeal in Case Number 3:11-cv-257.

Signed: December 5, 2011

Robert J. Conrad, Jr.

Chief United States District Judge